

Appl. No. 10/601,513
Response Dated February 14, 2006
Reply to Advisory Action of January 26, 2006

Docket No. CM05315G
Customer No. 22917

REMARKS/ARGUMENTS

Claims 1-18 remain in this application. In a Final Office Action dated November 9, 2005 the Examiner rejected Claims 1-18 under 35 U.S.C. 103(a) as being unpatentable over Hendrey, et al. (USPN 6,542,750) in view of Hayashi, et al. (USPN 5,983,107). Applicants traverse these rejections in view of the arguments below.

Applicants respectfully request reconsideration of this application in view of these remarks and arguments and in view of the discussions between Applicants' attorney Valerie M. Davis and Examiner Brandon J. Miller on February 8, 2006. The primary focus of the discussion was regarding whether Hendrey taught or suggested the limitations currently included in independent Claims 1 and 18 of "sending default community information to each entity in each said defined community." Applicants maintained their argument that these limitations were not taught or suggested in Hendrey, and have demonstrated to Examiner Miller why these limitations are not taught or suggested in Hendrey.

In analyzing the above-quote language at issue, Applicants' attorney and Examiner Miller first reviewed each of the steps in Claim 1 to discuss the Examiner's understanding of how the teachings of Hendrey corresponded to the claim elements. Although this response only discusses the elements of Claim 1 in detail, it should be understood that the arguments herein apply equally to the elements of Claim 18. As discussed, Hendrey teaches a "method and system for selectively connecting mobile users based on physical proximity" (Title). When a telecommunication unit (TU) wishes to initiate a call with one or more callees, it initiates a process whereby an initial list of potential callees is provided to a location-aware system (i.e., the infrastructure), wherein the infrastructure determines the distance from the TU of each potential callee contained in the initial list (col. 2, lines 43-45; col. 6, lines 45-46). The distances are compared to a predetermined distance criteria to generate a "filtered list" (col. 6, line 53) from the initial list, wherein the filtered list comprises callees from the initial list that "meet the predetermined distance criteria" (figures 1 and 4-6; col. 6, lines 49-53). The infrastructure then attempts to establish a call between the TU and the callees in the filtered list (col. 6, lines 61-64). "When the connection is successfully created for each party to the call, the connection initiation is completed" (col. 6, lines 64-66).

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Based upon this reading of Hendrey, the Examiner understood the limitations recited in Claim 1 of "determining the location of at least a portion of said plurality of entities within a first coverage area" as being disclosed in Hendrey wherein the system determines the location of potential callees on the initial list. Regarding the limitations recited in Claim 1 of "computing an entity density function for a plurality of density calculation zones within said first coverage area as a function of the determined location of said entities; detecting that a predetermined proximity density threshold has been exceeded in at least one said density calculation zone" the Examiner agreed in the final office action on page 2 that Hendrey doesn't disclose these limitations but argues that Hayashi teaches these limitations. Applicants' attorney did not during the discussions and does not now concede that those limitations are taught in Hayashi, but for the purposes of narrowing the discussion did not cover the analysis of those elements with respect to Hayashi and reserves future argument in this regard if necessary. The Examiner understood the teachings in Hendrey of computing the distance to the TU of each potential callee in the initial list and comparing the computed distances to a predetermined distance criteria to create the filtered list having the potential callees that met the predetermined distance criteria to disclose the limitations recited in Claim 1 of "generating a list of entities that are in proximity to the density calculation zone within which the proximity density threshold was exceeded". The Examiner understood the teachings in Hendrey of determining whether a connection can be made between the TU and at least some of the callees on the filtered list to disclose the limitations recited in Claim 1 of "determining whether at least one community can be defined comprising at least two entities from said list". The Examiner understood the teachings in Hendrey of actually establishing the connection between the TU and at least some of the callees on the filtered list to disclose the limitations recited in Claim 1 of "defining at least one community comprising at least two entities from said list".

Applicants attorney argued that since default community information (as recited in Claim 1) is sent only after a community is defined, in order for Hendrey to disclose the limitations recited in Claim 1 of "sending default community information to each entity in each said defined community", Hendrey necessarily has to teach that default information regarding the established connection has to be sent to each party to the connection *after* the connection is made. Examiner Miller agreed that no such teachings are found in Hendrey, including the language in col. 8, lines 38-46 (cited by the Examiner in the Advisory Action). Instead this language taught an ID

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number that corresponds to a group list 220, but the group list is the initial list of callees upon which the distance calculations were based. This group ID is sent to the infrastructure to carry out the distance calculations and is not sent to members of the established connection between the TU and callees on the filtered list. Indeed, as mentioned above, Hendrey explicitly states that the connection initiation process is complete upon a successful connection, thereby, implying that no default information is sent to the parties to the connection after the connection is made. The Examiner did suggest, however, that perhaps Claims 1 and 18 can be further clarified by changing the words "defined" and "defining" to the words "established" and "establishing" in the last four lines of Claims 1 and 18 to further clarify that the default community information is only sent *after* the community is established. Applicants' attorney indicated an agreement to these minor claim amendments if they would place this application in a condition for allowance.

The Examiner requested that Applicants' attorney file a response to his Advisory Action setting forth these arguments and summarizing the February 8, 2006 discussions so that the Examiner can further consider this application. Based on these arguments, Applicants request that the Examiner remove the rejections to Claims 1-18 based upon Hendrey and Hayashi and proceed to allow these claims.

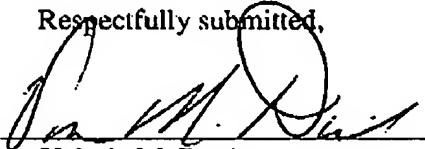
Please charge any fees that may be due to Deposit Account 502117, Motorola, Inc.

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Respectfully submitted,

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